

NATURAL RESOURCES BOARD

Minutes

The regular meeting of the Natural Resources Board was held Wednesday, August 15, 2001, at the Best Western, 1821 Riverside Avenue, Marinette, Wisconsin. The meeting was called to order at 8:34 a.m. All August Board Agenda business was conducted by the Full Board.

PRESENT: Trygve A. Solberg, Chair
James E. Tiefenthaler, Vice Chair
Gerald W. O'Brien, Secretary
Herbert F. Behnke
Howard D. Poulson
Catherine Stepp
Stephen D. Willett

Chairman Solberg called on Mr. Ron Kazmierczak, Northeast Regional Director, to introduce Mayor Westphal.

Mayor Westphal welcomed the Natural Resources Board and Secretary Bazzell to Marinette. Mayor Westphal spoke of Marinette's wildlife, shipyards, and the community.

Mark Anderson, Marinette County Board, on behalf of the County Board and all residents of Marinette County, welcomed the Board and Secretary Bazzell and thanked them for participating in the tour of the wild shores of Marinette County. Mr. Anderson presented the Board with a booklet entitled "Marinette County, Discover Wisconsin's Best Kept Secret". He also spoke in favor of the Board taking action on a Resolution for the preservation and purchase of the Peshtigo River lands owned by the Wisconsin Public Service Corporation. Mr. Anderson requested that the Board do a brief report of the Stewardship Fund, its projection, and commitment. He supplied a copy of a resolution that Marinette County adopted at the July 24, 2001 County Board Meeting. Mr. Anderson thanked the Board for the work they do for our natural resources.

ORDER OF BUSINESS

1. Minutes to be approved.

1.A. Full Board Minutes of June 27, 2001.

Mr. Tiefenthaler MOVED, seconded by Mr. O'Brien approval of the minutes, as presented. The motion was carried unanimously by those members present.

1.B. Agenda for August 15, 2001.

Secretary Bazzell asked that the following changes be made to the agenda: Natural Resources Board Meeting will be conducted as a Full Board Meeting; addition of 1.C Minutes to be approved of the Full Board Conference Call on August 2, 2001; addition of 3.E Resolution, if adopted by the Board, which would place a high priority on the preservation and purchase of the Peshtigo River Lands owned by the Wisconsin Public Service Corporation.

With those changes, Mr. O'Brien MOVED, seconded by Mr. Willett approval of the Agenda for August 15, 2001. The motion was carried unanimously by those members present.

1.C. Full Board Minutes Conference Call of August 2, 2001.

Mr. Tiefenthaler MOVED, seconded by Mr. Behnke approval of the minutes, as presented. The motion was carried unanimously by those members present.

2. Ratification of acts of the Department Secretary.2.A. Real estate transactions.

Mr. O'Brien MOVED, seconded by Ms. Stepp approval of the real estate transactions, as printed. The motion was carried unanimously by those members present.

3. Committee of the Whole.3.A. Citizen Participation.

3.A.1 Dan Trainer, Stevens Point, spoke regarding the Plover River. Mr. Trainer spoke of what the Plover River Alliance. Mr. Trainer gave an overhead presentation. He stated that the Plover River provides drinking water to the City of Stevens Point. He further spoke to the issue as to what is being done to protect the Plover River.

3.A.2 George Rogers, Stevens Point, spoke regarding problems on the Plover River. Mr. Rogers gave a slide presentation on the Plover River. Mr. Rogers spoke against the Department of Transportation Highway 10 bypass that is being considered to cross the Plover River through the widest portion of the river. Mr. Rogers requested the Board to help with choosing an alternate route for the Highway 10 bypass. Secretary Bazzell stated that the Department received considerable responses from the public regarding the concerns of the general public and the Department has related DNR concerns to the Department of Transportation and continue to work with them.

3.A.3 Gervase Hephner, Marinette, spoke regarding the WPS land purchase. Mr. Hephner spoke of his history with the Peshtigo River. Mr. Hephner stated there are concerns regarding the Stewardship Program and requested the Board to respond. Mr. Hephner stated that he and many others support this purchase by the DNR because of the taxes. Mr. Hephner concluded with reading from Page 332 of the Wisconsin Blue Book, "The Board (the Land Commission) appoints a Secretary to administer the agency, the agency manages, trades, and sells public lands on behalf of the Board". Mr. Hephner stated that for his colleagues, who are currently in the Legislature, to please read the Blue Book. He then turned to page 415 of the Wisconsin Blue Book and read, "The agent's responsibility of natural resources are responsible for implementing state and federal laws which protect and enhance Wisconsin's natural resources, including it's air, land, water, forest, wildlife, fish, and plants. It coordinates many state administrative programs, etc. . .". Mr. Hephner stated that this is the Boards' responsibility. Mr. Hephner stated that he is for preserving the property but he is also for supporting the citizens who would like to see a tax payment. He further stated that he and many others support saving our shores and want this for the Department of Natural Resources.

Mr. Behnke questioned if Mr. Hephner was familiar with the language in the budget today as to whether the Land Commission can proceed without any input from the DNR. Based on their own value of that land knowing that whatever they pay for it, sometime down the road (within five years), they get that amount of money back or that much value back. The other part of that question would be whether there is any provision for the trade. If we are trading land to be fair market value, in other words, if we are looking at a \$1,000 acre forest land that they will be acquiring and they have purchased it for \$5,000 an acre is there a provision that would say it is only worth \$1,000 when they state they spent \$5,000 we need \$5,000 back. Is there room there for some kind of equitable negotiation between those divisions where the DNR would buy it at the lowest possible price and they could stand to loose money, is that a possibility?

Mr. Hephner responded the way he reads the language he didn't think they would have to come to you and discuss with you any price they would be paying for the property. This seems like a sellers game where you have the opportunity that if you don't like the DNR's appraisal they can go to another group. Mr. Hephner stated that he reads into this that if the sale price, purchase price, was \$20,000,000, for example, then if your wooded land which they want you to trade now, was worth a \$1,000 an acre verses what they paid \$5,000 or whatever they paid per acre you would need to trade five for one. Mr. Hephner stated the way it looked to him the DNR would end up trading 50,000

acres of land for 9,500 acres. He felt the Board would be searching its sole and where are they going to go on that issue because you would have this massive resistance from legislators who are out there and would get less in their township. The taxes that you pay are based upon the township tax levee, but then in turn 51 percent of that goes to the school system, a certain percent goes to the county, a certain portion goes to the township, etc. It is all broken out. You are impacting a lot of land that would be taken out of the tax role that basically isn't paying any tax out of the utility. Mr. Hephner stated that we could be talking several million dollars that local municipalities could be losing over a five or six year period.

Mr. Behnke stated that what you are saying that in negotiating with WPS the Land Commissioner could do that without any DNR presence at the table.

Mr. Hephner responded that with what he has been given, that is what he reads into it.

Mr. Tiefenthaler asked if there was anything in the provision that tells DNR that, assuming for instance, the Land Commission buys this land for \$50,000,000, that five years from now that land may be worth \$100,000,000. Are we going to be doing today's pricing or five years from now pricing? Is there any language that covers this inflationary cost of recreation and developmental lands going up and are we going to be doing this at today's pricing or in the future? Is there anything that covers that?

Mr. Hephner responded that another legislator can change this language six months or two years from now. He stated that it is the concern DNR needs to have.

Mr. O'Brien asked who is speaking this message to the right audience.

Mr. Hephner stated that the public concerned should write to the Governor saying the DNR should be acquiring this property and to veto the language that is currently in the budget. He further stated that he hoped the resolution that the DNR Board is considering today will get into the newspapers and to the television news media.

Mr. Willett responded that in fairness to Governor McCallum, his representative from Northern Wisconsin is here and he felt that Governor would receive the message.

3.B. INFORMATIONAL ITEM - Wisconsin State Parks Gold Medal video.

Sue Black, Director of Parks and Recreation, showed a 15-minute video of the park system in the State of Wisconsin. Ms. Black stated that Wisconsin State Parks were recognized as one of the top state park systems in the nation by being named to the final four in the running for the 2001 Gold Medal State Park Award. This gold medal is awarded in odd-number years by the National Sporting Goods Association and the National Recreation and Park Association. Wisconsin and the other finalists (Missouri, New York, and Virginia) had to complete a series of steps to be named among the elite of the nation's park programs. The final four states were then required to submit a 15-minute video showcasing their attributes as a final requirement. Wisconsin's video was produced by Discover Wisconsin Productions in Milwaukee. Ms. Black stated that Secretary Bazzell and herself will be attending the ceremony at the NRPA Congress for Recreation and Parks in Denver, Colorado on October 3, 2001.

Chairman Solberg stated that, at sometime in the future, we should have a resolution thanking Discover Wisconsin Productions of Milwaukee for this video.

3.C. Retirement resolutions.

1. Susan Bergquist
2. Birgit Christensen.
3. Dennis Jones.
4. John Keipe.
5. Richard Purin.
6. Thomas Rose.
7. William Schmidt.
8. Larry Severtson.

Secretary Bazzell reviewed the careers of each retiree and commended them for their excellent years of service to the Department and the State of Wisconsin. Mr. Tiefenthaler MOVED, seconded by Mr. O'Brien, approval of the retirement resolutions, as presented. The motion was carried unanimously by those members present.

3.D. Presentation of the Rebecca Wallace Award by Secretary Bazzell.

Rebecca R. Wallace had been an environmental engineer with the Department of Natural Resources, since 1979. At the time of her death, she was Chief of the Runoff Management Section, in the Watershed Management Bureau. Becky was a persistent advocate for improvement and protection of Wisconsin's water resources. Her vision for the state's Nonpoint Program was clear and succinct: Clean Water. Becky became a symbol of what goals could be achieved through not only hard work and dedication, but also with compassion and empathy for others. Becky and her husband, Lyle, died in an automobile accident on February 22, 1997, leaving three children, Spencer, Mitch, and Jeremy. Becky's boys had planned to be at the meeting today but at the last minute they were invited out of the country. They will be back next year. Jeremy is starting a teaching career at Monona after earning his masters degree from UW Madison. Mitch graduated from high school as "student of the year". He is starting UW Madison as a pre-law student, hoping to be an environmental lawyer. Spencer is starting kindergarten.

Secretary Bazzell announced that Kathy Bartilson, Sub-Basin Supervisor for the Upper Chippewa River Basin, Spooner, was this year's winner of the Rebecca Wallace Award.

This year there were several very strong candidates. They will be given certificates. Kathy Bartilson was nominated by her co-workers "because she has provided strong leadership and mentoring for not only Basin water personnel in general, but also for her continued input to the Regional Watershed personnel which she has been involved with her entire career with the DNR." She is described as the leadership "rock" for her activities with the Grimh Damdrawdown, implementing wastewater activities, and excels in the little things that give evidence of her care for people. Her mentoring includes two new Water Management Specialists in Ladysmith and Hayward, and the Wastewater Permit Drafter at Spooner. She plays a key role in keeping the Northern Region wastewater group through some difficult employee shortages together and on track. Kathy has taken the lead in developing the Upper Chippewa basin plan for 2001-2007, edited and published the NW Rippings (for over 15 years), is active in the Ladysmith Service Center Team, authored two project proposals for a Shoreline Demonstration Project at the Tommy Thompson Hatchery and developed an aquatic education outreach program for teachers at the hatchery, continues to write some WPDES program for teachers at the hatchery, continues to write some WPDES permits, final layout and design of the five-year Northern Waters Report Card. Her nominators provided a long list of personal accomplishments and activities testifying to her great job balancing work with her family. This balancing is the tie looked for in awarding the Rebecca Wallace Award.

Kathy Bartilson, this is an amazing honor and I was overwhelmed when I received the call that I had been chosen, especially because there are so many people in the department that deserve it. I am just one of just many people who have many more accomplishments. So to be picked as one of these outstanding group is amazing. I am very proud to have my name on this plaque. I worked with Becky years ago in Waste Water and we were two of the new staff picking the program up and trying to refocus it. Becky was especially caring of the people she worked with and very empathetic to the people we were regulating. She knew she was writing rules that would affect these peoples livelihood. She set such a fine example and it is especially fitting that we remember what she did for us every year. I particularly like to remember her smile and her laugh because she shared them with us a lot. I am also very appreciative to the people that nominated me. They are my mentors and heroes. For them to think that I deserve this is an award in itself. Bruce Swanson, Tom Beard, Sr., Jim Hansen, and John Gozdziwski. Thank you all.

3.E. Resolution - The Board will take action on a Resolution, if adopted by the Board, which would place a high priority on the preservation and purchase of the Peshtigo River lands owned by the Wisconsin Public Service Corporation.

Chairman Solberg stated that the Board had a long history, not only this Board but the Boards before us, of purchasing property. As many of you on this Board has been here for several large purchases in the State of Wisconsin, Chippewa Flowage, Turtle Flambeau Flowage, Willow Flowage, and many others. We had a great addition last year, some huge land purchases. I would also like to further state that I have been up here on a couple of other occasions, I have toured some of this area. Of course, yesterday we had another tour. As one of the presenters had mentioned, it is a spectacular, beautiful piece of property. I view it, as a Board Member, to be a high priority for the citizens and for the State of Wisconsin. In talking about this resolution, as to what is going on in the budget bill, I think it is important

for us as a Board to look at what our charge is. Part of it, it seems in the budget bill if I understand it correctly, really takes out not only us but the Executive Branch, the Governor from this responsibility, and it takes the Department out. As I said earlier, there has been a long, long history of land purchases and they have been done very good. I would not be afraid to say, being on this Board for almost 11 years, that we could get a group of experts in land transactions and look at everyone of our transactions. It would be hard put to see any bit of trouble where they have not been done right. I think they have been purchased, and I will go back to the large ones, that we have done a very good job of negotiating. We have called in the former Governor into some of the negotiations, he got personally involved, and we have done some very good transactions. The prices have been good and everyone of these has been either bought from some private or public companies and it is no different in this case. Wisconsin Public Service owns this land and they should get a fair price for it. They own the land and that is how we should negotiate it. But as this budget bill is in its present form it is not going to happen that way and there are several different things that may happen. With that, if someone would like to make a motion at this time, and second it so we can discuss it.

Mr. Behnke MOVED, seconded by Mr. Tiefenthaler, that the Natural Resources Board take action on a Resolution which would place a high priority on the preservation and purchase of the Peshtigo River lands owned by the Wisconsin Public Service Corporation.

Discussion:

Secretary Bazzell, if I could provide a few comments as a result of some resent press releases and follow-up article on the part of several legislators. Since this issue really started with the Department expressing some concerns, raising some questions relating to the budget provision, we need to provide some context and rational as to what those issues might be and why we have some concerns about the current budget provision. Perhaps the place to start is to echo the words of Chairman Solberg that is the Department has an outstanding track record of identifying and protection if important pieces of land. Every significant piece of land that we have gone after, whether it be the Willow Flowage, Chippewa, Turtle Flambeau, the Great Addition, we have always been successful in negotiating a fair price for those properties, and acquiring and protecting those lands for future generations. So the track record, I think, speaks for itself. I understand very clearly why the public wants to see this land protected. I personally toured this property by air, water, and I understand the strong interest. This land should stay open to the public. It is open to the public presently under FERC licensing requirements and that is the point that needs to be made here. The land is currently protected. The company has indicated that it may seek to withdraw some of its land from FERC which then opens up some other options which could include development, although the company has been very clear that it is not its current intention. There are two ways to protect it, one is to keep it under the FERC license requirements. The second option is some sort of state ownership. Certainly, the Department has an interest in pursuing state ownership. In terms of some of the issues with respect to the budget provision, more specifically, again we are being concerned the precedence that is being set here. Typically on any sort of acquisition the Department and Governor ought to be involved in every transaction. Anything that raises to the price of \$150,000 brings the Natural Resources Board into the discussion in terms of review and approval. Any transaction of a quarter of a million dollars or more also requires the Joint Finance Committee to review and approve that transaction. We have the unprecedented step in this transaction that removes Department participation, the participation of the Citizen Natural Resources Board, whose charge is to look out to make sure this bill is a good one on behalf of the citizens of this state, and it also removes the review of the Governor. Particularly one in this case, which may likely be the most expensive land transaction ever. Clearly, the price involved here could exceed the price we paid for some of the gems that we spoke of here. I don't understand why we would take away those kinds of checks and balances as a safeguard, particularly given that all parties seem to believe that the DNR ought to be the ultimate owner. Not to allow us to have a say at the table and participate in the process is troubling. The Public Land Commission is the entity that would in fact purchase the land. Their management objectives are different than ours. We manage from a very different purpose. Their management objectives are very simple and straight forward. They manage properties to generate timber revenue. That is how they make money. That is their mission, their mission is different than ours. They have eight staff positions, I believe, around the state to deal with land. Based on their own admission, they do not have the capacity to manage this land. Under the budget provision they may be asked to manage this land for upwards of five years before we would then have to consummate a deal with the Public Land Commission. Based on their own words, they don't have the capacity to manage this land for that period of time. That is a concern. The fact that we would have to take, perhaps tens of thousands of acres off the tax roles and other parts of the state to consummate this deal, is very troubling. Those lands were protected for a reason and we have very important reasons why those lands were acquired. That doesn't go away with this transaction. We are very concerned about having to trade those lands, both in terms of having to take those lands off the tax roles but also because, again, those lands will be managed differently perhaps than currently managed by the Department of oversight. We also have concerns about whether or not this is

going to be a cost effective transaction. Currently we are governed by state statute that requires us to pay a fair and reasonable value for the property, certainly we would proceed along those lines if we were to work directly with the company. There are provisions in this budget amendment that goes beyond that. That forces development potential to be also factored in, which currently goes beyond perhaps fair market value depending upon how that budget provision is in fact implemented. That is unprecedented. In fact we regularly get hammered by the Joint Finance Committee who reviews all significant land transactions and they have pushed us for years to keep that price down and we have been criticized on a number of occasions for paying development prices. When we see a piece of land that is subdivided, that has been plotted out, the zoning is about to change, we pay development prices and we have been criticized by the Joint Committee of Finance for doing that. I was a little surprised to see the committee, quite frankly, pass a budget of this fashion which is not in keeping with tradition of looking at land acquisitions. Those are just a few of the issues. I will also briefly mention the stewardship account. That issue has come up quite a bit in terms of whether or not the state actually has the capacity to purchase these lands outright. I think we do, particularly given the budget provision that is currently in front of the Governor now that actually increases the amount of money set aside for stewardship by \$14,000,000 a year. I think with that increase, if we could negotiate a fair value, we do have enough resources to purchase this property directly. Those are just some of the thoughts that we have been discussing within the agency and some of the reasons why there have been some questions raised about this budget provision.

Mr. Behnke, there has been a lot of confusion about this entire process and this program and I think that people have come to different conclusions, different interpretations of what may or may not happen. There is recognition that there is limitation of how many properties the state DNR can actually buy from the stewardship fund because there are many purchase opportunities that come before this Board throughout the year and some very expensive properties and obviously everyone is very important. There is a key question here, that has concerned the people locally and probably the legislators that introduced this into the budget as to where does this property fit in the picture of the state's interest. I think they have felt the state has too many items on their plate right now to give this a top priority and make an aggressive effort to purchase and own this property, which is really what the people want. That is their main objective, it is for the state to own this and not to let it go into the hands of developers, which is an alternative that is available to Wisconsin Public Service, to sell this land out to private developers and, obviously, that would bring them more money. This resolution should satisfy that concern of these people who want this land acquired, the local people, the County Board, the Town of Stevenson Board, Mr. Hephner is a member of the Town of Stevenson Board. They have had many, many discussions and they all agree on one thing. That is, they want this to be in public ownership and be available for the public to enjoy forever. I think that the last paragraph of this resolution, "NOW, THEREFORE BE IT RESOLVED, by the Natural Resources Board, that it considers the Peshtigo River property to be high priority . . ." I think that says it. When we consider this along with the many, many other land acquisition opportunities that come to the Department and eventually make it to the Board, this is a very high priority. I personally, as a member of this Board consider it of the very highest priority possible.

Mr. Willett, I am concerned that this resolution will in some way limit the total group of alternatives we would need to purchase this. It would seem to me that there are a number of figures that are being used that, if in fact, it would come to reality that would put the Department in an extremely difficult financial situation or a difficult situation now and financially choice wise we would start trading off somewhere else. The resolution portion that says " . . . the wilderness shoreline of the Peshtigo River should not be converted to development allowing private use to supersede public benefits . . . ". If we pass this resolution then are we precluded sometime in the future forever from looking at portions that may have to be sold so we can generate the funds?

Chairman Solberg, if it is within a boundary of a project and the law states that it is no longer needed for conservation purposes we could sell it. If we need it for conservation purposes, the Governor has the right to not sign that, it would not be sold.

Mr. Willett, but from a pure business point of view, of course this property is extremely valuable for conservation purposes, it is hard to argue that any of it would not fall within that definition. My concern is that, if in fact, the numbers came so that the other alternatives less palpable that we would have to give up other conservation properties.

Chairman Solberg, we don't have a master plan, we don't have the boundaries at this time. We are just talking about the purchase. If that came up it could be changed because there are no boundaries established at this time. All we are doing is negotiating a purchase price.

Mr. Behnke, you are right, the master plan would have to be developed for this property and the public would be very much involved of this master plan and, obviously, any such considerations can be discussed at that time. The

important thing now is to consider this as a high priority ownership for the public forever. What happens after this is done, those little details can be worked out.

Mr. O'Brien, I think Mr. Willett's question is, is this binding of the Board's future? Are we tying our hands in the future just by passing this resolution. I don't think we are?

Chairman Solberg, no. This resolution seems to be very sight specific.

Mr. Tiefenthaler, Mr. Willett you are saying that we may have to sell something in able to afford this because we don't know what the price is yet. We don't necessarily sell a piece of this property to do that. We can sell other properties in the surrounding state area if we need the money. The Secretary has stated that he feels that with an on going appraisal that we can afford it. There are so many deals that can be cut, we can afford this, we can work a deal with the power company that if we can't afford it today, we can buy it over a five year period. There are all kinds of things that can be negotiated. But, if we aren't negotiating it and if our land people aren't doing it and the Land Commission is, I think we have a problem. To me, one of the most important pieces of this resolution is we have to be accountable to the tax payers. If the Land Commissioner isn't as good as what we are and we are the best of any agency in this state to buy recreational land, I don't think we are meeting that accountability.

Mr. Behnke, what this resolution does is place a priority on the acquisition of this property. This resolution does not buy the property. We will be going through a series of steps before we get to the point of acquisition. Among them being the DNR appraised value, the WPS appraised value. You are well aware that many, many of all the big purchases came, here is what we appraise it at and they come in with this. From there it begins to negotiate and finally a fair price is determined for this property and at that time it comes back to this Board for approval of acquisition. All this does here is make this a high priority item with the Board and we encourage the Department to pursue the acquisition of this property. If we don't have that kind of money I think we will need to forget it. But, I don't think that will happen. It didn't happen on the Willow Flowage, as you know they came in with a high figure, the Chippewa Flowage they came in with a high figure, the Turtle Flambeau came in with a high figure, and the Great Addition all came in at a high figure. These items were negotiated in the process. What we are saying here that we are well equipped, as a Natural Resources Board, as a Department of Natural Resources, to handle this without a third party entering into and interfering with that process that has been so successful.

Mr. Poulson, I hear you and all that but I hope that in the end that is how the resolution is taken. I don't believe that we had resolutions like this on the other properties that we purchased.

Chairman Solberg, we never had to because no one else was involved.

Mr. Poulson, I understand that. I don't want it to get in our way. That is the bigger concern that I have. Think about people that you have dealt with over time and you wouldn't like to have had a resolution out here in front before you ever got to the point of negotiations. That is my only concern and I need to raise it.

Mr. Behnke, I do understand that. I think there was not a formal resolution but there had to be that kind of a declaration of intention in all the other big purchases that we made in order to allow the Department to go ahead with it and bring it back to the Board.

Secretary Bazzell, just a few comments to make sure that people understand the Department's interest. In my six months on this job there has only been one property that I have visited and that is this property. I spent a day talking with the citizens, listening to their concerns, their hopes, their wishes, and responding to issues. I had an aerial tour and a boat tour. This is property that needs to be protected and should be very high priority and that is certainly how the Department has proceeded. At this juncture we are doing an appraisal, the company is doing an appraisal. We would like to proceed with that process. That is certainly going to be up to the company and the budget provision will certainly be an influence there. I think that one of the primary reasons why this resolution is appropriate is to reassure the public that the Department is serious about acquiring this property and not to misinterpret questions that have been raised regarding the budget amendment. I think that is the emphasis behind the resolution, to make sure that people understand that we are moving ahead diligently and there are, in fact, options other than the budget proposal to protect this land for the future.

Ms. Stepp, are two of the other purposes of the resolution to discourage either FERC from releasing them or put pressure on the Governor to veto this particular provision?

Secretary Bazzell, I think on the FERC question, that is a separate process. The company would need to petition FERC and ask to have the land removed, and it is my understanding they have not done that at this juncture but certainly have expressed an intention perhaps to pursue that. That is a totally separate process. We, as a state agency, have the opportunity to comment on that process if it, in fact, gets underway. This doesn't really enforce that at all. Certainly, if we reach the juncture where we do reach an agreement with WPS on a purchase price, and we did, in fact, want to move forward to acquire, we would in fact envision a scenario where we would work directly with WPS to get the land released from the FERC license requirements. That is how I see the FERC issue. Certainly, the resolution that you are concerned about today, I would think that the Governor would take into consideration as he makes his decisions with respect to the budget amendment.

Chairman Solberg, I think this Board would be remiss if we didn't make some comments on this pending budget item because we have had recent history of very good negotiations. That is our charge to the citizens of the state and if we don't let them know that we would be making a mistake.

Mr. Willett, if that is the intent then, is the sixth whereas paragraph necessary?

Mr. Behnke, I think so.

Chairman Solberg, "Whereas, the wilderness shoreline of the Peshtigo River should not be converted to development allowing private use to supersede public benefits; . . . ". That is true, that is a true statement. Right now Wisconsin Public Service has that open to the FERC licensing process to the public and the wishes of the citizens, as I hear it, a high priority in my mind that it stay that way.

Mr. Behnke, I agree, this could be misinterpreted but the intent is to move into this picture rather than let WPS move into the direction of selling it.

Secretary Bazzell, if I could supply one point of clarification. The company has been very clear in saying given the initial public reaction, it is not looking at this time to selling this land outright for development. It does not seem to be the company's intent. I want to make sure the Board understands that doesn't seem to be the company's intent. If at some point in time, as Mr. Behnke has suggested, that it does become the intent, certainly we would object to having shoreland removed from the FERC license. I would suspect that we would prevail on something like that. Remember, the company is getting use of a public resource and in return for that their requirement under FERC is to protect land from the shoreland back a certain distance. I would not envision a scenario where FERC would allow shoreland to be developed, direct shoreland. The issue really is how far back from the shoreland needs to stay under the FERC license. I don't think shoreland development is an issue in terms of the company trying to directly sell that to a private party.

Mr. Tiefenthaler, the original intent of shoreland protection was if the water would get high and flood the areas, I believe. From what I heard yesterday and the day before, was that 75 foot set back, of whatever, they would never go higher than that. It would be more than enough for shoreland protection.

The motion was carried unanimously by those members present.

4. Board Members' Matters.

4.A. Approval of 2002 Meeting Schedule.

January	22-23
February	26-27
March	26-27
April	23-24
May	21-22
June	25-26
August	13-14
September	24-25
October	22-23
December	3-4

Mr. Poulson MOVED, seconded by Ms. Stepp, approval of the Board Meeting schedule for 2002. The motion was carried unanimously by those members present.

4.B. Review of M.C. 1103.1 - Operating procedures of the Natural Resources Board.

Mr. Behnke, there was one question raised that had to do with the appearance of the Conservation Congress. Mr. Phelen's concern and the Conservation Congress concern is that they are authorized to appear before the committee and probably should also indicate that the Congress will appear before the Full Board. That change should be made.

Chairman Solberg, that certainly has been our position and policy in the past and should be in the procedures.

Mr. O'Brien, I believe the green sheet spells out the principle. We have reorganized it so the message of the organization of the document flows more accurately. It defines the type of agenda items the committee of the whole will be assigned; institutionalizes our present practice of voting on committee of the whole agenda items when the agenda item is completed; establishes that reports from statutory advisory bodies, such as the Conservation Congress, and advisory committees appointed by the Board be assigned to the appropriate standing committee for review and recommendation; requires that special meetings called at the request of three or more Board members be held within 14 days of the requests; establishes that a quorum would consist of three members if, for whatever reason, the Natural Resources Board has only four or five members serving; and citizen participation modifications as follows: no more than two members of an organization would be permitted to appear on one issue, no appearances allowed on items that are scheduled for approval for authorization to hearing during citizen participation and no appearances on informational items.

Mr. Behnke, I would like to express appreciation to the Chief Legal Officer of the DNR, Mr. James Kurtz, for spending many nights working on this resolution. I know for three weeks he did nothing else, it delayed his vacation. When the final product was brought to Mr. O'Brien and myself it only needed a few revisions. We do appreciate Mr. Kurtz's contribution.

Mr. Tiefenthaler, on page three, Board Members addition to agenda, D.5, and that 5 is crossed out. Could you speak to that, " . . . any Board Member could place an advisory question to the fish and game questionnaire if it is not supported by the majority of the Board . . .". That is crossed out.

Mr. Behnke, this is covered by Item 2, that is repetitive. It is covered under another item.

TABLED Review of M.C. 1103.1 operation procedures of the Natural Resources Board motion to September for adoption.

Stephen Willett stated that he received a pink sheet with a proposal that the Department is going to start amending NR 115, Wisconsin Shoreland Management Program. What is the genesis of this?

Secretary Bazzell stated that there were a number of things that precipitated the interest in revising this rule. First of all the rule is fairly dated. We have seen, in recent years particularly the most recent budget, where there are eight or ten amendments offered by members of the legislature to really address some of these issues that NR 115 covers. Secretary Bazzell stated that he felt the consensus that the core of rules need some revision. We would like to engage the public in the process to consider what changes would be appropriate to make sure that the intent of the rule to provide more flexibility.

Mr. Willett stated that it was his understanding that it was our position that because of the variety of situations that this unit of government to handle issues that are raised in NR 115 are local townships and the counties. Mr. Willett asked if we are reversing our positions?

Secretary Bazzell responded no. He further stated they would be very strong players and will provide significant input as changes are considered. If you take a look at state responsibilities, that is what we are focused on, clearly Secretary Bazzell felt that if you talk with the people that are familiar with the rule and those that work with them on a daily basis he thought Mr. Willett would find agreement that updating is in order. We are not looking to change that fundamental relationship. Mr. Willett stated that what happened was, as he understood it, that NR 115 went into place and we had the 75 foot setback and our non-conforming use rules, etc. As the land use issues became more prevalent, the Governor convened a Blue Ribbon Commission investigating it and, after some great consideration that the best place to make that determination was at the local level. Mr. Willett stated that it seemed to him now that this is modification of that position.

Secretary Bazzell stated that is not what the rule package does. That is not what we will be doing. If you take a look at the overall state standards and the degree of flexibility we think should be part of that, those are some of the things we should be able to explore for an advisory group. We are not looking for the state to make all of the regulatory decisions. He stated that he would not anticipate a rule coming that would shift the balance of decision making.

Mr. Willett, this raise two other of his concerns, would the Department come to the Board in November with this and would there be an advisory committee?

Secretary Bazzell stated, if we are ready in November, yes, if not we would take additional time. There is an advisory group and he personally talked to the staff about it and they are in the process of getting a group up and going.

Chairman Solberg stated that he has also been contacted by people who saw this. Of course, we realize that in Vilas and Oneida Counties they are quite aware of what is happening. In talking with our Regional Director, Bill Smith, Chairman Solberg stated that for those that have a building permit and go to the zoning office and ask to increase the size of their house and they have the 75 foot setback but on the other side of the land because maybe in the past the old lake bed is on the side they wish to build but can't because it is considered a lake bed. Because there isn't a 75 foot set back they can't build on the side because of the old lake bed, all of a sudden they are non-conforming. Chairman Solberg presented a map showing lake beds. In NR 115, Chairman Solberg asked if this could be addressed, this lateral problem, he questioned why people can't build to the side or the back of their homes if they are not affecting water quality.

Mr. Willett agreed and stated that Oneida County is leading in this particular issue right now as to how to resolve this. Mr. Willett stated that it would be best resolved, in his opinion, on a case by case basis on a local level. He stated he thought it was a reversal of the Board's earlier position.

Secretary Bazzell responded by asking what Mr. Willett would see in the rule that would be changed.

Mr. Willett stated that he has seen on numerous occasions where we have a board of adjustment provision in the state, in the statute, that gives us equal power to the State Department of Natural Resources where people would come in and apply for a board of adjustment. The board of adjustment would make an application and the state will say we don't agree with the board so we are going to take it to the courts. Our power runs on NR 115, so you can't make any adjustments. Mr. Willett stated that he thought they were moving to have the local government establish their own zoning, their own subdivision ordinances, and their own control provisions so what fits them, that is what would work for them. Mr. Willett questioned as to why we needed to amend NR 115.

Secretary Bazzell responded that the provisions, as currently written, not to change the balance of power, are very rigid, they don't provide the kind of flexibility that the staff, the public, and local government would like to see. We would like to take the high road and engage the public in a process where we could talk about this and to come to some terms and agreement with how to word this. It is going to be a challenge because we expect differences of opinion on how we provide that additional flexibility at the same time intending the protection that the rule, in fact, offers under the way it is currently in place, Secretary Bazzell suggested the staff sit down with each of the Board Members so they get a better feel of the kind of issues they are going to put out on the table and how they are going to engage the public.

Mr. Willett stated that the Secretary was correct in engaging the public.

Secretary Bazzell further stated that they were not going to put everything on NR 115 on the table. They want to be very clear as to the scope of what is under consideration for change. Also, the Board will need to feel comfortable with the scope that they are defining, what is open to change and what is not. He further stated that based on the briefing he received he thinks that the staff ideas are very consistent with what Mr. Willett's take is.

Chairman Solberg stated that he would hope that this technical advisory committee would look at this. He stated we certainly don't want to get into the business of telling people how to build their homes and stay away from telling people what they can do on their property.

Secretary Bazzell stated that in terms of the staff ideas they want to present to the public proposing more flexibility in those situations.

Chairman Solberg stated that some of the zoning people hide behind these state laws, blaming the DNR for it.

Secretary Bazzell stated that the thing to keep in mind, we are not looking to change the whole rule. What you see in Oneida County in particular is a decision made by the county to go beyond minimum state requirements and that is there call to make that.

Chairman Solberg responded that you have the zoning department, who is the enforcing department making the rule. You shouldn't have the person enforcing them also the person making the rule, it is bad public policy.

Mr. Willett expressed concern that this item doesn't put the DNR in the middle of groups that don't agree with specifications.

Secretary Bazzell stated that what we are proposing to do is offer briefings as to what the staff thinking is right now in anticipation of what the public process is to consider changes.

Chairman Solberg stated that he would think it would help to have someone from those counties and his county could be on the technical advisory committee.

Ms. Stepp stated that it was an issue in her county also, strong pressure for growth in southeastern Wisconsin and a lot of the existing structures are going through the same things. Ms. Stepp further stated that she would like to see someone from her area as well serve on this advisory committee. She stated that it is a good thing to encourage people to improve their property and we shouldn't be discouraging that.

Secretary Bazzell stated that Ms. Stepp made an important point. These options we can't do with the core rule and we are taking some risks, this is going to be controversial for a lot of areas. Secretary Bazzell gave the Department staff a lot of credit willing to step to the table and taking the risk because they think the rule is outdated and there are some things that we should be doing to provide more flexibility and a more workable set of rules. Secretary Bazzell stated if we are successful he felt we would have a much better set of standards that are more understood, provide more flexibility, and people would be more satisfied.

Mr. O'Brien asked what the process was and where it was going.

Secretary Bazzell responded that at the present time we are giving the staff the go ahead to draft the rule and at the same time he also has given direction to staff to appoint an advisory group to guide that process and to engage that group before a draft rule comes before this Board.

Mr. Willett stated that all he is doing is raising the issue that this is a major policy issue that the Board should be aware of that we are about to embark on and it is going to have huge ramifications.

James Tiefenthaler stated that he received a letter from a Dr. Brandt, Janesville, of the Gresham Lake Association and Coons Lodge Properties regarding tent caterpillars and the devastating damage across Northern Wisconsin this year. This person contacted an aerial association and they did some spot aerial spraying with the same BT that is used for gypsy moths and they were really successful. Mr. Tiefenthaler stated this was more of an ascetic item rather than tree damage. He stated that he spoke to Gene yesterday about this and he stated there was a person in the Department that would help coordinate with private citizens that wanted to help pay for helicopter spring, over a regional area. Evidently it isn't that costly but doable. He stated that over a period of five or six years of this is going to occur before it goes downhill. Mr. Tiefenthaler stated that if this is a real possibility, many citizens would be interested in doing this, and we might be able to that, we might be able to get this out on the web. Maybe we could do some press releases. It is evidently safe, the aquatics aren't damaged, and he stated that he felt that a lot of citizens would be interested in this. Mr. Tiefenthaler stated that he was totally unaware that the same BTU would work on tent caterpillars but evidently it does. Mr. Tiefenthaler gave Dr. Brandt's letter to Secretary Bazzell.

Secretary Bazzell stated that we would be happy to follow-up on this and the opportunity to better inform the public on what their options are and provide assistance.

Chairman Solberg stated that he thought there should be an education effort out there. And, if possible with the Lake Associations that might come forth and take care of this. They say it is three to five years and this is the end of the third year.

Chairman Solberg stated that he received a letter from an attorney for the Cana Island Association regarding DNR's acquisition of the Bailey's Harbor Boreal Forest and Wetlands State Natural Area. Awhile back, when the stated purchased some property there, this Board had an agreement with the Cana Island Association regarding our acquisition of Bailey's Harbor Boreal Forest and Wetlands in that area. It wasn't a large acreage. Former Governor Thompson's office changed that and now, of course, Governor McCallum's office asked the question, is it needed for conservation purposes? Of course, we could say yes and we did have an agreement with these people that we were going to invest in this and sell it to this gentleman with the deed restricted they could never build on it. Chairman Solberg stated that it is a very small area and can get congested with a lot of people. This is an agreement that we had. Chairman Solberg stated that he felt this should be sent back to the Governor, if he wants to leave it like it is, that is his prerogative, however, we did have this agreement.

Mr. Behnke stated that there was a problem there right from the first. There are thousands of visitors every year on this property. As a result, when so many cars are parked in the area of this historical lighthouse, it creates a problem for the local residents and property owners. When this was privately owned, at that time it was a campground, and as such a privately owned property. The former owners could keep people off their property. The concern of the residents of that area was that if the state acquired it and it would be public, it would be overrun by people. They have a tremendous problem with people parking in private driveways and lawns, and cluttering up the highways. In negotiating with the town board the local citizenry concerns and people in that area, the DNR, at that time, agreed with them that 16.5 acres along the shoreline would be sold to an adjacent property owner, a dentist from Green Bay, with a deed restriction that it could never be developed. This alleviated some of the concerns the people had and it was under that provision that it was recommended by Mr. Solberg, Chairman of the Land Committee at that time, and Mr. Behnke was Chairman of the Board, that we visit it and recommended to the Board to approve it with that condition. As Chairman Solberg pointed out, the Governor then changed this, upon the time of the signing, upon the advice of the person advising him on land purchases by the Natural Resources Board. What Mr. Behnke would suggest is that we are going to be bothered by this as the Board for some time to come as congestion continues in this area. We don't have good supervision of the area. Mr. Behnke suggested and believed he would make a motion to the effect that we direct the Department to revisit the original intent in the agreement that we had with the residents of that area, with the Governor, with the idea of better understanding of how this area would be continued to be protected if indeed that 16.5 acre deed restriction were sold to a private party. Mr. Behnke felt that this could be resolved and that if the Governor again turns it down, we can say that we tried.

Mr. Willett stated that he had a concern about this. He stated that on one hand we are passing a resolution stating that we are socked and appalled with the fact that they are not following procedures, and the legislature has made some adjustments. All we want out of that is procedure to be followed. Now we are passing a resolution stating that the procedure is pretty well set that is the Board make recommendations, investigations, and pass this resolution. Then it goes to the Governor's office and the Governor's office reviews it and makes the ultimate determination which, in fact, includes modifications, and that becomes what the facts are. Now we are passing a resolution stating that we don't

care for that because the Governor's office didn't follow our recommendation. Mr. Willett stated that he felt we can't have it both ways.

Chairman Solberg stated that he understood completely what Mr. Willett was saying, however, in this instance someone was remiss in not looking at the whole situation. If that being the case, it should be revisited.

Mr. Behnke stated that we have an obligation to the landowners in that area who originally objected to any purchase in that area by the DNR. These are concessions that were agreed upon, at that time, by the Town Board, local residents, and everyone involved. What the motion is the original intent and the problem caused by not being followed be revisited by the Department. If the Governor still says no, that is his prerogative, then it is final.

Mr. Behnke MOVED, seconded by Mr. O'Brien, that the Natural Resources Board direct the Department to revisit the original intent in the agreement with James and Carolyn Van Miller of Green Bay, with the residents of the area, the Governor with the idea of better understanding of how this area would be continued to be protected if the 16.5 acre deed restriction were sold to a private party. The motion was carried by a vote of 5 to 1.

Yes	Opposed
Trygve Solberg	Stephen Willett
James Tiefenthaler	
Herbert Behnke	
Gerald O'Brien	
Howard Poulson	
Catherine Stepp	

Chairman Solberg, thanked the Governor's Northern Council and appreciated the wonderful dinner last evening. He then called on Chairman Oestrieher.

Steve Oestrieher, Chairman of the Conservation Congress, spoke regarding items that the Congress had taken a position on. Chairman Oestrieher handed out and read a resolution to the Board Members that was submitted during the spring hearing process. The resolution was regarding the nonpoint rules that will be addressed in September. The Conservation Congress recommends that the Natural Resources Board use all the powers at its disposal to fully fund the nonpoint program to ensure effective implementation, administration, enforcement, and compliance. The Executive Council endorsed this. The second item was a letter that Chairman Oestrieher sent July 15, 2001, to the Senate and Assembly Conference Committee Members regarding splitting forestry from the Department of Natural Resources. Chairman Oestrieher read the entire letter to the Natural Resources Board Members. This letter urged the legislators to keep the Department of Natural Resources as it currently exists - one strong, solid agency that efficiently and effectively manages all aspects of Wisconsin's great natural resources. After much discussion, the members of the Conservation Congress unanimously agreed to not support any attempts to split the agency. Chairman Oestrieher stated that he called all of the Executive Council at that time and informed those folks of the urgency to act on this. They in turn called their delegates. It was Chairman Oestrieher's understanding that the phone lines to the Governor's office were overwhelmed for about a two week period. With the reorganization, Chairman Oestrieher and Secretary Bazzell are currently trying to set a date for a special executive council meeting, hopefully next month to make some changes.

Mr. Willett, may I ask that the Chairman share those with us as I would be very interested.

Chairman Oestrieher, certainly.

Chairman Solberg, I would like to address one other thing that I requested last month. The study on the state parks as to where we are at with how many campsites we have versus what the need is. As we traveled around yesterday on our tour on the WPS property. I spoke with Steve Miller and Sue Black during our tour. I believe we have a little over 5,000 campsites in the state. They are filled up every weekend. What I was looking for, I think we should do some perform to show what we can do, and give it to the legislature. Some of the biggest expenses in this would be acquiring the land itself and we have land all over the state.

Ms. Black, Park Director, stated that some of our smaller campsites have about 40 campsites on them, being managed and maintained by staff already. We should have at least 100 campsites to be cost effective, to hire personnel and leave them in those camps. I think these should be looked at. The rustic campsites are the ones that there is a huge demand for.

Chairman Solberg, I think we should expand on this and find some why to go to market with this. One way is to have a performa and present it in such a fashion to show there is a need. If they are filled every weekend, obviously, there is a need that isn't being met. Again, we are at only seven percent of all the camping in the state. The private sector still has the majority of them and I think they understand the need for state campsites.

Mr. Behnke, how do you propose that we do that?

Chairman Solberg, I propose that the Department come forth with a performa to us, in some fashion, to be presented to the legislature for upcoming budgets, in the next one anyway. Saying here, the needs are not being met and here is what we can do because the campgrounds can be a revenue producing item. People pay to camp.

5. Special Committees' Reports.
None.

6. Operating Committees.

6.A. Air, Waste and Water/Enforcement Committee.

6.A.1. Minutes. There are no Committee minutes for June 2001 since all agenda items were taken up during the Full Board Meeting.

6.A.2. Adoption of Order CF-25-01 - revision of Chapter NR 166, Wis. Adm. Code, pertaining to safe drinking water loan program.

Robert Ramharter, Chief of Environmental Loans Section, presented the Board with the adoption of order CF-25-01 revision of Chapter NR 166 pertaining to safe drinking water loan program. This is the program that we give low interest rate loans to municipalities to build drinking water facilities, which is funded primarily through federal capitalization grants. Changes in this code are necessary to enable SDWLP funding of new public water systems projects, revise the SDWLP priority scoring, and ranking system to include scoring of new public water system projects and make general improvements.

Mr. Willett MOVED, seconded by Mr. Poulson, adoption Order CF-25-01 - revision of Chapter NR 166, Wis. Adm. Code, pertaining to safe drinking water loan program. The order was carried unanimously by those members present.

6.A.3. Adoption of Order LE-01-01 - revisions to SS. NR 5 and NR 50, Wis. Adm. Code, pertaining to boating safety and enforcement programs.

John Lacenski, Boating Law Administrator, presented the Board with adoption of order LE-01-01 revisions pertaining to boating safety and enforcement programs. The proposed changes are to create a set of standards for a new motorboat noise testing procedure; create a definition of boat for the purposes of requiring registration of motorized fishing rafts to be consistent with federal law; create a definition of water skis, aquaplane or similar device to include technological advancements in the sport; clarify the requirement that sets a 40 percent cap on a municipal boat patrol's administrative expenses; increase the property damage limit for a reportable boat accident to be consistent with the new federal standard; and create a definition for public access for the purposes of s.30.635 stats.

Chairman Solberg, I have one question, that is to create a set of standards for a new motorboat testing procedure. Is this for brand new motors? I have gotten a number of complaints over the years about motors that are loud. Does this do anything at all for those loud motors?

John Lacenski, this simple is standard for all motorboats on the water in the state. You are correct, we are hearing increased complaints from people about noise from motorboats. What this does it repeals the current 5.125 (1)(C) which sets up testing distance. It repeals that 50 foot requirement, which is obsolete for a stationary test, which puts us in performance with the national standards that have been developed by the manufacturing industry and by the National Association of State Board Administrators.

Mr. Behnke, I have the same problem with the loud noise in my home. Is there any way that local Wardens can look into the very loud type of noise.

John Lacenski, what we have done in the last few years is purchase decimal meters. They are not cheap so we don't have one for every warden and we never will. We are at a point now that we have three or four decimal meters per

region and if there is a problem on a particular body of water that warden would be able to get a decimal meter or someone trained to get that decimal meter over to that body of water and measure the noise level. We would then give a citation.

Mr. Tiefenthaler, how do you treat airplanes. We have airplanes that land in our area that are louder than the boats are.

John Lacenski, they are not included in this.

Mr. Willett MOVED, seconded by Mr. Tiefenthaler, adoption Order LE-01-01 - revisions of SS. NR 5 and NR 50, Wis. Adm. Code, pertaining to boating safety and enforcement programs.

Mr. O'Brien, under the definition of public access, does this mean that public access is limited where you are launching your boat?

John Lacenski, 30-65 is the statute that says that on lakes under 50 acres or less, if they have public access it sets a lower speed limit for that body of water. So we are limiting that definition of that statute.

Ms. Stepp, could someone explain the section of what this is doing, is this prohibiting motor boats on 50 acre or less lakes or only 50 acre or less lakes that have public access?

Mr. Willett, that has already been done.

Ms. Stepp, is this changing that somehow?

John Lacenski, all we are doing is adding the addition of public access because there never has been a definition.

The order was carried unanimously by those members present.

6.A.4. Authorization for hearing on creation of Chapter NR 815, Wis. Adm. Code, pertaining to the underground injection wells, and revision of Chapter NR 600, Wis. Adm. Code, pertaining to well injection for environmental repair.

Jill Jonas, Director, Bureau of Drinking Water and Groundwater Bureau, presented the authorization for hearing on creation of Chapter NR 815 pertaining to the underground injection wells, and revision of Chapter NR 600 pertaining to well injection for environmental repair. This rule package is being proposed because the federal government changed their rules and we are making sure that our rules meet the minimum requirements of the federal rules. Federal regulations promulgated under Part C of the Safe Drinking Water Act of 1974 require that an Underground Injection Control (UIC) program be developed in each state. The purpose of a UIC program is to protect underground sources of drinking water from contamination that many result from the use of injection wells. A state may establish its own UIC program, however, any state-managed program must be administered in a manner that is at least as stringent as the federal requirements for a UIC program. If a state elects not to develop its own program, then the United States Environmental Protection Agency (EPA) is to directly implement a UIC program for that state.

Mr. Tiefenthaler, could I get a clarification on injection wells, are we talking about municipalities, private wells, businesses or what?

Ms. Jonas, in the State of Wisconsin all injection wells are prohibited except for where we are asking for this remedial language in 600 and we also have what is classified wells. That ranges from large septic systems to heat pump injection wells, waste fluids generated from vehicle maintenance, or a junk yard. Those are the types of systems that we regulate in Wisconsin.

Mr. O'Brien MOVED, seconded by Mr. Willett authorization for hearing on creation of Chapter NR 815, Wis. Adm. Code, pertaining to the underground injection wells, and revision of Chapter NR 600, Wis. Adm. Code, pertaining to well injection for environmental repair. The order was carried unanimously by those members.

B. Land, Management Recreation and Fisheries/Wildlife Committee.

6.B.1. Minutes. There are no Committee minutes for June 2001 since all agenda items were taken up during the Full Board Meeting.

6.B.2. INFORMATIONAL ITEM - Update on the Wisconsin Furbearer Management Program

Tom Hauge, Director of Wildlife Management - furbearer management in Wisconsin has become a classic partnership. Science, society, and extra effort have combined to make Wisconsin a national leader in progressive, thoughtful programs that will insure the future of our longest known (commercial) outdoor activity, trapping. Wisconsin Department of Natural Resources and the Wisconsin Trappers Association have worked together in the development of unique, award winning efforts including the Wisconsin Cooperative Trapped Education Program and Fur School. Together we have also become leaders in a national effort known as Best Management Practices for Trapping, conducting field research and outreach studies. Wisconsin is among the top three states in the country in terms of active trapper participation. We estimate that somewhere in the order of seven to ten thousand active trappers on an annual basis in Wisconsin. In order to make sure we have a good program we put our investments in the educational area. Trapping is a highly regulated activity in Wisconsin and has been a long heritage in this state. Trapping programs are very science based.

John Olson, Wildlife Biologist, furbearer specialists, another tireless worker. Just this week alone Mr. Olson has been to Iowa at the National Trappers Association with the exhibits that he has displayed today at this meeting. With these exhibits he is trying to convey the science that we have developed in Wisconsin, bring it and share it with the rest of the country. He just returned from Escanaba Upper Michigan State Fair, assisting with the Timber Wolf Alliance but also doing some public relations work helping people to understand regulated trapping and the science that we use for the furbearer management program. Mr. Olson stated that the one key item of the Furbearer Management Program is education. He further stated that if Wisconsin is to continue to be a national leader in resource management it became apparent that our own professionals needed advanced training on modern day trapping. Wardens, wildlife biologists, and part naturalists are critical members of our resource staff on the front line of many challenges in Wisconsin. Furbearer management and trapping are, and will continue to be challenges. With Law Enforcement as a leader, we have developed a week long training program required of new warden recruits, and offered to all wildlife and parks personnel, it is called Fur School. None of this would be possible without partners. Specifically, Wisconsin Trappers Association has made their large and growing membership aware of the support it needs for education in trapping, has made education its primary goal in many of their efforts. Professionals from several other states have come to Wisconsin to take the course with intentions of duplicating it back home. In addition, the federal government is now developing a nation wide training program for key federal employees based on Wisconsin Fur School.

Rick Tischaefter, has been a tireless worker on behalf of furbearer conservation in the State of Wisconsin. Not only is he the President and has been since 1992 of the Wisconsin Trappers Association, which is the best state trappers association in the country, his real life job is master sergeant for the U.S. Army. Along with that, he has been the trapper education instructor, active on the national trappers association in particular leading a continental effort to improve best management practices as it relates to trapping. On the side he finds time to run a nuisance control business and also tries to reserve time for himself as a trapper. He is assisted in all of this by Chris Tischaefter, first lady of Wisconsin trapping in the state. She needs to be recognized for her efforts as well. Mr. Tischaefter stated that Wisconsin Trappers Association consists of about 3,000 members in Wisconsin. What it does represent is the entire trapping community in Wisconsin. The Association's mission is to perpetuate our trapping heritage. They do that with their education program. It is to educate the trapping community of how to do things better. They have 11 districts statewide, that meet almost every weekend in the summer, and they have two state activities in the spring and fall that culminate the entire year. Trapping seasons in Wisconsin are traditionally November, December, and January and the organization continues to work through that season. Mr. Tischaefter stated that this could not be done without a cooperative relationship, which includes the Conservation Congress, Natural Resources Board, Department of Natural Resources, and our Legislature. The education program itself we were able to work with the Natural Resources Board, the Department of Natural Resources, and the Legislature and successfully lobby to go mandatory in May of 1992. He stated they have a memorandum of understanding with the Department of Natural Resources, the Department funds the program through \$2.00 removed from every trapping license, so basically the trapping community pays for the program. The Department manages the money, does all of the printing and resources to conduct the classes. Wisconsin Trappers Association volunteers the members are certified through an instructor program. The mandatory program is for all first time trappers, the fee is \$8.00. They also have veteran folks go through the program. Three options to the class, folks can either take a couple nights during the week and a Saturday. We also have weekend courses scheduled throughout the state. They conduct about 45 classes per year. It is one of the best trapper programs in the nation. Mr. Tischaefter stated that we have the only Fur School in the nation. He reviewed the history and daily routine of the Fur School. Mr. Tischaefter showed a slide presentation on the renovation of the Fur School building. He also reviewed management practices. He and others of the Trappers Association served as advisors regarding research and science to other states.

Secretary Bazzell, presented Mr. Tischaefter with a Certificate of Appreciation to the Wisconsin Trappers Association, acknowledging the dedication, hard work, and enthusiasm of the Association in their efforts to promote a wide variety of trapper education over the past two decades. Secretary Bazzell read the certificate in its entirety.

Secretary Bazzell, presented Mr. Tischaefter with a Resolution of Commendation for his personal dedication and leadership. Mr. Tischaefter, President of the Wisconsin Trappers Association for the past nine years is stepping down from his post as he retires from an outstanding career with the Association and the Department of the Army. Secretary Bazzell read the resolution in its entirety.

Mr. Tischaefter, thanked Secretary Bazzell, the Board Members, and the Department.

Chairman Solberg, read a letter from the Cooperative Resources International honoring Mr. Herb Behnke by the University of Wisconsin Madison, on November 1, 2001. Mr. Behnke will receive Wisconsin's most prestigious award for service to agriculture and natural resources - the University of Wisconsin College of Agriculture and Life Sciences Honorary Recognition Award. Herb's distinguished career in both agriculture (through the cooperative) and natural resources (through the DNR Board) makes him unique and elite among the honorees. If anyone wishes to attend, please notify Cooperative Resources. A copy of this letter will be sent to all Board Members. Chairman Solberg stated that the Board Members were all very proud of him.

Mr. Behnke, thanked Chairman Solberg and stated that he was honored and humbled by the honor.

6.B.3. Adoption of Order WM-23-01 and WM-24-01(E) - revision of Chapter NR 10, Wis. Adm. Code, pertaining to establishing the 2001 migratory bird seasons.

Jon Bergquist, Waterfowl and Wetland Wildlife Ecologist, presented the adoption of order WM-23-01 and WM-24-01(E) revision of Chapter NR 10 pertaining to establishing the 2001 migratory bird seasons. Mr. Bergquist reviewed the background of the migratory game bird season and presented the status and seasons of ducks and geese. He also reviewed the youth hunt, if major changes are needed for the youth hunt it needs to be completed a year in advance. Mr. Bergquist stated that he felt the season proposals will offer migratory bird hunters good opportunity this fall consistent with the status of migratory game bird populations and the federal framework.

Chairman Solberg, regarding the goose season, sometimes those geese are out of the area before the season starts. Have you looked at that and are aware of that?

Mr. Bergquist, yes the season starting date in the exterior zones is a real struggle. The earlier we open the quicker we meet the quota. Had we opened just in the northern portion of the state on the 29th of September concurrent to the duck season, we probably would have reached the harvest objective of about 8,000 birds for that portion of the state in less than 30 days. By delaying it statewide to October 6th, he was hoping that he would make at least 30 and may be close to 70 but that depends on how quickly the harvest goes. They received no comments on the goose season at the Rhinelander hearing in opposition.

Dick Koerner, Neenah, representing himself, spoke in favor of adoption of Order WM-23-01 and WM-24-01(E) - revision of Chapter NR 10, Wis. Adm. Code, pertaining to establishing the 2001 migratory bird seasons.

Mr. Behnke MOVED, seconded by Mr. Tiefenthaler, adoption Order WM-23-01 and WM-24-01(E) - revision of Chapter NR 10, Wis. Adm. Code, pertaining to establishing the 2001 migratory bird seasons. The order was carried unanimously by those members present.

6.B.4. Adoption of Order CS-18-01 - revision of Chapter NR 8, Wis. Adm. Code, pertaining to licenses and approvals.

Marilyn Davis, Director of Customer Service and Licensing, presented the adoption of order CS-18-01 revision of Chapter NR 8 pertaining to licenses and approvals. Ms. Davis stated this adoption would simply allow rule changes that would extend better customer service in the way they issue licenses. This would expand the types of approvals license agents would be authorized to issue through the Automated License Issuance System and modifies the requirements for purchasing approvals for other persons, including allowing parents or guardians of children under the age of 18 to purchase approvals for their children. Additional approvals that could be issued by authorized license agents include the resident disability fishing license, the armed forces fishing, and small game licenses, bear harvest permits, set line and set or bank pole licenses. One public hearing was conducted in Madison and there was no interest expressed in the proposals, no one attended the hearing and no written comments were received. The anticipated effective date of the proposed rule change would be November 1, 2001.

Mr. Behnke, what are the difficulties with this change?

Ms. Davis, there usually is a little paperwork involved with the application form that needs to be completed.

Mr. Tiefenthaler, I have, two years in a row, bought a license for my daughter. Was I breaking a law by doing that?

Ms. Davis, that is part of the reason for these changes.

Mr. O'Brien MOVED, seconded by Mr. Tiefenthaler, adoption Order CS-18-01 - revision of Chapter NR 8, Wis. Adm. Code, pertaining to licenses and approvals. The order was carried unanimously by those members present.

6.B.5. Authorization for hearing on creation of Chapter NR 328, Wis. Adm. Code, pertaining to shoreland development.

Mike Staggs, Director of Fisheries Management and Habitat Protection, presented the authorization for hearing on creation of Chapter NR 328 pertaining to shoreland development. Mr. Staggs stated that this authorization is for a creation not a revision as stated on the green sheet and on the agenda. He passed around informational materials to the Board Members. This will create standards for shore erosion control in lakes and impoundments. We are only asking for authorization for hearings on subchapter II. This controls the permitting of municipal breakwater permits. The rule encourages erosion control practices through authorization of short form permits that are beneficial to fish and wildlife habitat along developed properties. The rule also prohibits practices that are unnecessary and degrade near shore habitats or can be accomplished by other more appropriate techniques. This rule will improve consistency in decision making by developing an assessment of erosion potential by three methods: application of models to predicted storm wave height conditions; site level erosion assessment; and direct measures of erosion rate. The rule also offers a wider array of shore protection options that have fewer environmentally harmful side effects and are beneficial to fish and wildlife along developed areas.

Mr. Willett, can you include in some the legal people the issue of liability. It seems to me there would be some potential for liability.

Mike Staggs, I agree with you, there are statutes on liability and I am not the expert on that.

Mr. Willett, it would seem to me that there would be some concern and this is the only way to go.

Mike Staggs, if you look at the picture I passed around you will note there is an area of 40 miles, very low structure, there is a huge issue of liability but it is there whether it is the county, state, or private property.

Mr. Willett, maybe the best way is, really, to go to the Legislature.

Mike Staggs, some of our legal staff would agree with that. There is an exemption in Chapter 30, which allows the Department, not a private owner, to place a fill on the bed of navigable water for nesting, for example. The issue of liability is at the crux of this.

Mr. Tiefenthaler, all you hear is you can't put anything out because it is an impediment to navigation.

Mr. Staggs, this is just a draft. Before the final comes out, you may get a great deal of feedback telling us this isn't the way to go.

Mr. Willett MOVED, seconded by Ms. Stepp, authorization for hearing on creation of Chapter NR 328, Wis. Adm. Code, pertaining to shoreland development. The order was carried unanimously by those members.

6.B.6. Kettle Moraine State Forest - Southern Unit land acquisition - Waukesha County.

Dick Steffes, Natural Resources Real Estate Director, presented the Kettle Moraine State Forest Southern Unit land acquisition in Waukesha County.

Mr. O'Brien MOVED, seconded by Mr. Tiefenthaler, that the Board approve the purchase of 80 acres from Dennis and Christine Arndt for \$384,000 for the Kettle Moraine State Forest - Southern Unit in Waukesha County, as presented. The motion was carried unanimously by those members present.

6.B.7. Statewide Spring Ponds land acquisition and acceptance of cash gifts - Langlade County.

Mr. Behnke MOVED, seconded by Mr. Willett, that the Board approve the purchase of 40 acres from Crocker Hills Trees and Nursery, LLC for \$100,000 for the Statewide Spring Ponds in Langlade County, as presented. The motion was carried unanimously by those members present.

6.B.8. Chippewa Moraine State Park Recreation Area land acquisition - Chippewa County.

Mr. Behnke MOVED, seconded by Mr. Willett, that the Board approve the purchase of 40 acres from Scott and Patricia Stucker for \$26,000 for the Chippewa Moraine State Recreation Area in Chippewa County, as presented. The motion was carried unanimously by those members present.

6.B.9. Willow Creek Fishery Area land acquisition and project boundary modification - Richland County.

Mr. Behnke MOVED, seconded by Mr. Tiefenthaler, that the Board approve the purchase of 64.2 acres from Ronald and Joyce Fichtel for \$57,800 for the Willow Creek Fishery Area in Richland County, and that the outlying acreage be added into the established project boundary, as presented. The motion was carried unanimously by those members present.

6.B.10. Statewide Natural Areas (Wild Lakes) land acquisition - Taylor County.

Dick Steffes, presented the Statewide Natural Areas (Wild Lakes) land acquisition in Taylor County.

Ms. Stepp, so this is only worth \$70,000?

Mr. Steffes, that would be our minimum that is what we feel we have in it. I did hear from the town chairman and he said the local folks are very supportive of this.

Ms. Stepp, when you say it is available for recreation, what kind of recreation are we talking about? Four wheeling or snowmobiling?

Dick Steffes, hunting, fishing, no four wheeling or snowmobiling.

Mr. Tiefenthaler MOVED, seconded by Ms. Stepp, that the Board approve the purchase of 206 acres from Joseph and Marie Pawelko for \$765,000 for the Statewide Natural Area Wild Lakes Program, and approve the resale of the house and 8 acres at a minimum price of \$70,000 in Taylor County, as presented. The motion was carried unanimously by those members present.

7. Department Secretary's Matters.

7.A. DONATION - \$5,000 from the Madison Fishing Expo for lake shoreline.

Secretary Bazzell, requested the Board to approve the Donation of \$5,000 from the Madison Fishing Expo for lake shoreline restoration on public land in Dane County.

Mr. Tiefenthaler, where is this site located? I wouldn't mind going to see this sometime.

Secretary Bazzell, I don't have that information at this time.

Mr. O'Brien MOVED, seconded by Mr. Willett, acceptance of the donation. The motion was carried unanimously by those members present.

7.B. DONATION - \$22,000 from the National Resources Foundation of Wisconsin to the Endangered Resources Program for the purchase of a vehicle to support the Whooping Crane Reintroduction Project.

Secretary Bazzell, requested the Board to accept the donation of \$22,000 from the National Resources Foundation of Wisconsin to the Endangered Resources Program for the purchase of a vehicle to support the Whooping Crane Reintroduction Project. Secretary Bazzell stated that as the Board knows the Foundation has been an excellent partner with the Whooping Crane Project and the van is very much needed.

Mr. Willett MOVED, seconded by Mr. Tiefenthaler, acceptance of the donation. The motion was carried unanimously by those members present.

7.C. Status of Study of Campgrounds.

Secretary Bazzell, at the request of Chairman Solberg, at our meeting in June, asked about the status of a study looking at campground availability throughout the state. Secretary Bazzell passed around a draft report of the analysis that was requested by Chairman Solberg. He asked the Board Members to take their time and read through the materials. There would be a informational briefing on this study at the September meeting.

Sue Black, Director of Parks and Recreation, stated that if there was any other data the Board Members wish to see that might be helpful or missing in making some decisions about future camping in Wisconsin, let her know and she would put that together. In September, she will give a full presentation as to where they think they should go from there. This is just a preliminary draft.

Mr. Tiefenthaler, I would like to see what it would cost for construction and development of campsites.

Sue Black, we talked about that yesterday. It really depends upon the site. If you are going to develop something, for instance, in the southern area in the Kettle Moraine rather than developing in the Thompson Park that is somewhat remote. One of the things that we learned at revenue school is that you cannot make any money on a campground unless it is over 100 units. So we are looking at properties that have less than 100 units, trying to round those up to over 100 sites because it is going to take the same type of infrastructure, facilities, and staffing. Because we already have those there to build those properties before we start purchasing new properties or developing sites where we don't have that type of support staff. One of the feelings that I have is that we could start right away with group campsites because they are relatively inexpensive to construct. You just need to clear an area and put a pit toilet out there and you would be taking individuals that are camping individually and put them in a group area rather than an individual area. There are a lot of groups, church groups, girl/boy scouts, etc. Identifying areas where we could put group sites right away and looking at our develop dollars. Then from there we could build up the campgrounds with less than 100 sites.

Mr. Tiefenthaler, what about rustic sites? The demand that I always here are for rustic sites. It seems to me that with all the properties that we have, there is such opportunities to go, almost wilderness.

Sue Black, if you look 20 or 30 years down the road and you look at the development being done in other states. If you noticed in the video that Wisconsin tries to stay rustic, stay primitive. I would prefer development of hotels/motels on the outside of parks. If you look 20 or 30 years down the road you will see that Wisconsin will be the place to camp with a rustic site. Other states are building hotels/motels and swimming pools within their parks. I don't think that is the direction that Wisconsin wants to go.

Mr. Tiefenthaler, I certainly think that with the demand we should look into creating more rustic sites. There is room for many more of these sites. I would think the Department of Tourism would be interested in this also.

Sue Black, we turned down 50,000 requests off the reservation system this year.

Chairman Solberg, if you refer to page three of the draft that you handed out, look at Michigan. They have over 14,000 campsites and we have somewhere over 5,000. When you compare the state of Michigan with Wisconsin, they have over 5,000,000 camper nights and we had 1,000,000. It seems to me there is an opportunity here.

Sue Black, we haven't built a new campground in over 10 years.

Secretary Bazzell, just one thought, the comment and discussion here is excellent, but we need to find ways to create additional camping opportunities. Obviously, as Ms. Black just mentioned, we haven't built a new campground in over 10 years, obviously, the constraint is a financial one. With the constraints we continue to find with the Stewardship Account, even with the doubling in the size of the fund in the last couple of years, we really have limited funds when it comes to dollars for infrastructure. And we see in the most recent budget, that is in front of the Governor right now, more earmarking. We are to the point right now where I think we have a fundamental problem finding dollars not just for this but for maintaining what we have right now. There is a lot of competition in maintaining not just existing sites but in addition new welcomed opportunities. My sense is if there is enough momentum behind this, and I would hope there is, that we may have to seek additional funding at some juncture to

really realize the vision of creating additional campsites perhaps with a long term vision closer in line with what Michigan is doing. I think that is something that we should inspire to.

Chairman Solberg, that was my comment last month and this morning. If we could look at taking some of the campsites, getting some of them to over 100. We should look at doing that, we should have some business plan.

Mr. O'Brien, are we to breaking even with the fees now being paid for the campground versus the expenditures?

Ms. Black, I will bring that information to you next month.

Mr. Poulson, how many acres does it take to do 100 campsites? It doesn't appear to me that we need to buy more land, we just need to develop what we have.

Ms. Black, no we have the land. I will bring that information back to you next month.

Steve Miller, the reservation system very clearly pointed out that this demand is out there. There is a high demand for flush toilets. Mr. Miller spoke of infrastructure.

Mr. Tiefenthaler, I would like to know more about expanding winter camping opportunities. Also, newer opportunities for camping such as ATV, winter camping, things that people are doing now days that they really didn't do before. Are we not serving the public. I think this could be part of the report, we can go to the legislature and say look we have a demand that we have never planned for but are there. I suspect they are there.

Ms. Black, one final thought, even though there is the economics of it that I am very interested in, if you look at our mission and our urban outdoor skills program and what we want to do in teaching, the kids to embrace the outdoors. Think of how many people are missing that opportunity and that is even a bigger mission, that is to the kids having the first experience of camping.

Ms. Stepp, please don't discount the value of flush toilets. When you have kids, especially little ones, flush toilets are a basic necessity.

Ms. Black, in one respect the flush toilets will be closed for the winter. A pit toilet is open all year.

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The Board Meeting adjourned at 2:00 p.m.